

Application No. 10/636,142  
Response to Final Office Action

Customer No. 01933

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

THE SPECIFICATION

The specification has been amended to correct a minor informality of which the undersigned has become aware. No new matter has been added, and it is respectfully requested that the amendment to the specification be approved and entered.

THE CLAIMS

Claim 3 has been amended to clarify the feature of the present invention whereby the objective lens is arranged underneath the observation sample so as to face the observation sample, as supported by the disclosure in the specification at page 71, line 25 to page 72, line 3. And claim 3 has been amended to clarify the feature of the present invention whereby the focus adjusting mechanism continuously extends between the sample base and the fixing base and surrounds the objective lens, as supported by the disclosure in the specification at page 73, line 26 to page 75, line 3.

In addition, claim 5 has also been amended to clarify the feature of the present invention whereby the objective lens is

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arranged underneath the observation sample so as to face the observation sample, as supported by the disclosure in the specification at page 83, lines 15-26. And claim 5 has been amended to clarify the feature of the present invention whereby the displacement sensor includes a target and a detector that detects a distance from the detector to the target, and wherein one of the target and the detector is provided in a vicinity of an end of the objective lens and the other of the target and the detector is provided at the stage, as supported by the disclosure in the specification at page 87, line 15 to page 88, line 2.

No new matter has been added, and it is respectfully requested that the amendments to claims 3 and 5 be approved and entered.

#### THE PRIOR ART REJECTION

Claims 3-6 were rejected under 35 USC 103 as being obvious in view of the combination of previously cited U.S. Application Publication No. 2001/0024320 ("Okada") and previously cited USP 5,521,762 ("Tomiyama et al"). These rejections, however, are respectfully traversed with respect to the claims as amended hereinabove.

According to the present invention as recited in amended independent claim 3, the objective lens is arranged underneath

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the observation sample so as to face the observation sample, and the focus adjusting mechanism continuously extends between the sample base and the fixing base and surrounds the objective lens. With this structure, the objective lens and the surrounding region are only minimally influenced by the heat radiation within the microscope or by the deformation of the microscope as a result of the environmental temperature.

It is respectfully submitted that Okada clearly does not disclose, teach or suggest these features of the present invention as recited in amended independent claim 3.

By contrast, as recognized by the Examiner, Okada discloses that a frame 1 is required to connect the objective 8 and the sample stage 2 such that a space is provided between the objective 8 and the sample stage 2. In addition, as asserted by the Examiner, the frame 1 of Okada is a part of the "focus adjusting mechanism" thereof.

Thus, it is respectfully submitted that Okada clearly does not disclose, teach or suggest that the objective lens is provided underneath the observation sample as recited in amended independent claim 3. And it is respectfully submitted that the frame 1 of Okada clearly does not extend from the objective 8 to the sample stage 2 and surround the objective 8 as recited in amended independent claim 3.

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According to the present invention as recited in amended independent claim 5, moreover, the objective lens is also arranged underneath the observation sample so as to face the observation sample, and the displacement sensor includes a target and a detector that detects a distance from the detector to the target, wherein one of the target and the detector is provided in a vicinity of an end of the objective lens and the other of the target and the detector is provided at the stage. With this structure, it is possible to precisely respond to changes in temperature without influence by the change in temperature of the objective lens, because the distance between the end point of the objective lens and the stage in the optical axis direction can be maintained.

As explained hereinabove, Okada clearly does not disclose, teach or suggest that the objective lens is arranged underneath the observation sample, as recited in the amended independent claims.

On page 5 of the Office Action, the Examiner contends that the dynamic vibration absorber unit 10 of Okada, which can be arranged between the revolving nosepiece 7 and the objective 8, corresponds to the displacement sensor in the vicinity of the end of the objective lens as recited in claim 5. However, it is respectfully submitted that Okada clearly does not disclose,

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teach or suggest that the displacement sensor includes a target and a detector that detects a distance from the detector to the target, wherein one of the target and the detector is provided in a vicinity of an end of the objective lens and the other of the target and the detector is provided at the stage, as recited in amended independent claim 5.

Tomiyama et al, moreover, has merely been cited for the disclosure of parallel springs.

Accordingly, it is respectfully submitted that even if the teachings of Okada and Tomiyama et al were combinable in the manner suggested by the Examiner, the structure of the focus stabilizing apparatus of the present invention as recited in amended independent claims 3 and 5 would still not be achieved or rendered obvious.

In view of the foregoing, it is respectfully submitted that amended independent claims 3 and 5, as well as claims 4 and 6 respectively depending therefrom, clearly patentably distinguish over Okada and Tomiyama et al, taken singly or in combination, under 35 USC 103.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.


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If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

  
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